

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERLIGHT ELECTRONICS CO., LTD.,
and EMCORE CORPORATION,

Plaintiffs and
Counter-Defendants,

v.

Civil Action No.12-cv-11758
HONORABLE GERSHWIN A. DRAIN

NICHIA CORPORATION, and
NICHIA AMERICA CORPORATION,

Defendants and
Counter-plaintiffs,

v.

EVERLIGHT AMERICAS, INC.,

Defendants.

**ORDER DENYING IN PART AND GRANTING IN PART NICHIA'S EMERGENCY
MOTION TO STRIKE EVERLIGHT'S MOTION OR, IN THE ALTERNATIVE, TO
SET MODIFIED BRIEFING SCHEDULE[#345]**

Presently before the Court is Nichia's Emergency Motion to Strike Everlight's Motion or, in the Alternative, to Set Modified Briefing Schedule, filed on July 29, 2014. Nichia requests that the Court enter an order striking Everlight's Emergency Motion to Strike Portions of Nichia Corporation's Opposition to Everlight's Motion for Summary Judgment. *See* Dkt. No. 341. Everlight filed a Response to Nichia's Emergency Motion on July 30, 2014.

Upon review of the parties submissions, the Court finds that Nichia has failed to demonstrate that Everlight's Emergency Motion (Dkt. No. 341) should be stricken. However, the Court finds that Nichia has demonstrated good cause for granting its requested alternate relief for a modified

briefing schedule.

Accordingly, Nichia's Emergency Motion to Strike Everlight's Motion for Failure to Comply with E.D. Mich. L.R. 7.1 or, in the Alternative, to Set Modified Briefing Schedule [#345] is GRANTED IN PART and DENIED IN PART. Nichia shall file its response to Everlight's Emergency Motion to Strike Portions of Nichia's Opposition to Everlight's Motion for Summary Judgment no later than Monday, August 4, 2014. Everlight shall file a Reply brief in support of its Motion to Strike no later than Thursday, August 7, 2014. The Court will provide a deadline for the submission of Everlight's Reply in support of its Motion for Summary Judgment once the Court resolves Everlight's Emergency Motion to Strike Portions of Nichia's Opposition to Everlight's Motion for Summary Judgment. There will be no oral argument on Everlight's Emergency Motion to Strike.

SO ORDERED.

Dated: August 1, 2014

/s/ Gershwin A. Drain _____
GERSHWIN A. DRAIN
UNITED STATES DISTRICT JUDGE